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2006-05-16 18:35:06 (GMT)

16502842180 From: David Levine

Application No.: 10/798,465

Attorney Docket No.: LAUFNZ00200

REMARKS

Claims 1-8, 10-11, 14-29, and 32-35 are currently pending. Applicant wishes to thank the Examiner for providing an opportunity to supplement the previous response.

Rejections under 35 U.S.C. §102(e) - IV

The previous Office Action rejected claims 1, 3-6, 10, 20-23, 25, 27, 28 and 35 under 35 U.S.C. §102(b) as being anticipated by Schneidt (U.S. Patent No. 5,702,421). Applicant disagrees.

Schneidt fails to teach or suggest all of the requirements of claims 1 or 28. Applicant is unable to find any teaching or suggestion in Schneidt where the first and second anchors are comprised from a first polymer or copolymer and where the connecting portion comprises a second polymer being different from the first polymer. Furthermore, applicant is unable to find any teaching or suggestion in Schneidt where the connecting portion has as a greater elasticity than either the first or second anchor member such that when tissue is placed between the anchor members, the connecting member is placed in a tensile state providing a compressive force against the tissue by the anchor members.

Schneidt teaches that the middle part (18) is preferably ground or turned from a single piece of titanium or some other material such as a platinum alloy. (See Schneidt col. 4, lines 55-58.) In addition, Schneidt teaches that the highly flexible retaining elements (see col. 5, lines 1-8) rest on the inner walls of vessels (see col. 6, lines 19-23).

Accordingly, applicant requests clarification for where Schneidt teaches or suggests the above stated requirements of the claims. In the absence of such a teaching, applicant requests withdrawal of this rejection.

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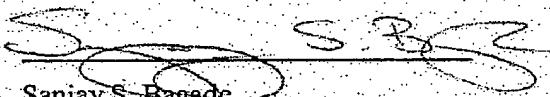
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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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